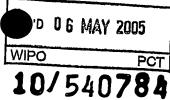
Rec'd PCT/PTO 08 JUN 2005





PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

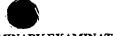
Applicant's or agent's file reference PCT 21301	FOR FURTHER ACTION	TON See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)					
International application No.	International filing date (day/mon	th/year)	Priority date (day/month/year)				
PCT/US03/40139	05 December 2003 (05.12.2003)		11 December 2002 (11.12.2002)				
International Patent Classification (IPC) or national classification and IPC							
IPC(7): C07D 401/04, 487/04; A61K 31/519; A61P 35/00 and US Cl.: 544/281; 514/259.3							
Applicant							
MERCK & CO. INC.							
This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.							
2. This REPORT consists of a total of \(\frac{1}{2} \) sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a	total of sheets.						
3. This report contains indications relating to the following items:							
I 🔀 Basis of the rep	ort						
II Priority							
III Non-establishm	III Non-establishment of report with regard to novelty, inventive step and industrial applicability						
IV Lack of unity of	ck of unity of invention						
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
VI Certain docume	VI Certain documents cited .						
VII Certain defects	Certain defects in the international application						
VIII 🔀 Certain observa	VIII Certain observations on the international application						
Date of submission of the demand Date of completion of this report			f this report				
22 June 2004 (22.06.2004)		24 April 2005 (24.04.2005)					
Name and mailing address of the IPEA/US		rized officer	00 11-11				
Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450	Thon	ale Mekenzie,	Bell-Hours for				
Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Telepl	none No. (703) 3	08-1235				
Form DCT/IDD A //OD (norm shoot)/July 10	1067						



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International app. on No.	
PCT/US03/40139	

I.	Basi	s of the report					
1.	With	regard to the elements of the international application:*					
	X	the international application as originally filed.					
	\boxtimes	the description:					
		pages 1-52 as originally filed					
		pages NONE, filed with the demand pages NONE, filed with the letter of					
	N 2						
		the claims:					
		pages 53-62 , as originally filed					
		pages NONE, as amended (together with any statement) under Article 19 pages NONE, filed with the demand					
		pages NONE, filed with the letter of					
		the drawings:					
		pages NONE , as originally filed					
		pages NONE , filed with the demand					
		pages NONE, filed with the letter of					
		the sequence listing part of the description:					
		pages NONE, as originally filed					
		pages NONE , filed with the demand					
_		pages NONE , filed with the letter of					
2.	With	regard to the language, all the elements marked above were available or furnished to this Authority in the					
	Thes	page in which the international application was filed, unless otherwise indicated under this item. e elements were available or furnished to this Authority in the following language which is:					
		the language of a translation furnished for the purposes of international search (under Rule23.1(b)).					
	\sqcap	the language of publication of the international application (under Rule 48.3(b)).					
	Ħ	the language of the translation furnished for the purposes of international preliminary examination (under Rules					
_		55.2 and/or 55.3).					
3.	With	regard to any nucleotide and/or amino acid sequence disclosed in the international application, the national preliminary examination was carried out on the basis of the sequence listing:					
	Щ	contained in the international application in printed form.					
	Ц	filed together with the international application in computer readable form.					
	님	furnished subsequently to this Authority in written form.					
	\square	furnished subsequently to this Authority in computer readable form.					
		The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.					
	Ш	The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.					
4.		The amendments have resulted in the cancellation of:					
		the description, pages <u>NONE</u>					
		the claims, Nos. NONE					
		the drawings, sheets/fig NONE					
5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go					
		beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). **					
* F	Replac	ement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in					
inis	this report as "originally filed" and are not amexed to this report since they do not contain amendments (Rules 70.16 and 70.17). ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.						



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International app. on No. PCT/US03/40139

 V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement 					
1. STATEMENT					
Novelty (N)	Claims	4-8 and 10-36	YES		
		1, 2, 3, and 9	NO		
			· · · · · · · · · · · · · · · · · · ·		
Inventive Step (IS)		4-8 and 10-36 1, 2, 3, and 9	YES		
	Clamb	1, 2, 3, and 3			
Industrial Applicability (IA)	Claims	1-36			
	Claims	NONE	NO		
compound of Example 1, lines 8-24, second column R3 = NH2 = (C=O)aNRa2, a = 0, Ra = hydrogen, R4 Claims 1-3 and 9 lack an inventive step under PCT A reasons cited above.	l = phenyl, and	R.5 = methyl = (C=O)aObalkyl, a = b =	· 0.		



International ap

PCT/US03/40139

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 13 and 22 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 13 and 22 are indefinite for the following reason(s): It is unclear which diseases are related to angiogenesis or to protein kinases.

Claims 10-22 and 29-36 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claims 10-22 and 29-36 are not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because: there is no nexus between Applicants assays and clinical efficacy for the treatment of the claimed diseases.

Form PCT/IPEA/409 (Box VIII) (July 1998)